

## **DATA PROTECTION POLICY AND DATA PROTECTION PRIVACY NOTICE (EMPLOYMENT AND WORKFORCE)**

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BCL Solicitors LLP ('BCL') is committed to protecting the privacy and security of all personal information it holds in accordance with the UK General Data Protection Regulation ('UK GDPR').

This privacy policy and employee privacy notice ('Notice') is for everyone who currently works or has worked at BCL, whether permanently or as a contractor. It is also for everyone who applies to work at BCL, and to everyone who currently or used to volunteer at BCL (e.g. work experience and vacation students).

This Notice does not form part of any contract of employment or other contract to provide services.

From time to time, we may update the Notice. If we make significant changes to it, we will take steps to bring them to your attention, including via BCL's staff intranet.

### **Contents**

This Notice explains:

1. The data protection terms and the principles underlying the way that BCL handles your personal data;
2. The kinds of personal data we may hold about you;
3. When and how we collect your personal data;
4. How we use your personal data;
5. Our legal bases for processing your personal data;
6. How we keep your personal data safe;
7. When we might share your personal data;
8. How long we keep your personal data;
9. Your rights in connection with your personal data; and
10. Who to contact about your personal data, including if you have a complaint.

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### **1. Data protection terms and principles**

1.1 Under the UK GDPR, BCL is a data 'controller' and the individuals whose personal data we handle are 'data subjects'. The personal information we hold about you is described as 'personal data'.

1.2 As a data controller, BCL will comply with the data protection principles in the UK GDPR when collecting and using your personal data. These require that personal data must be:

- (a) Used lawfully, fairly and in a transparent way.
- (b) Collected only for valid purposes that we have explained clearly to you, and not used in a way that is incompatible with those purposes.
- (c) Relevant to the purposes we have told you about and limited only to those purposes.
- (d) Accurate and kept up to date.
- (e) Kept only as long as necessary for the purposes we have told you about.
- (f) Kept securely and confidentially.

### **2. The kinds of personal data we may hold about you**

2.1 We may collect, store and use a variety of categories of personal data about you, including special categories of personal data such as information revealing racial and ethnic origin, data concerning health, sexual orientation and religious beliefs. We may also collect information relating to criminal convictions and offences.

2.2 The annex attached to this Notice summarises the types of personal data we may process about you.

2.3 It is important that the personal data which we hold about you is accurate and up to date. Please help us to do this by telling us if your personal data changes while you are working at BCL.

### **3. When and how we collect your personal data**

3.1 We collect personal data about you from a variety of sources but in most instances directly from you, for example during our recruitment processes. We may hold

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information about your family and next of kin where you provide this to us, and we ask that you inform them before providing their information to us.

- 3.2 We may also collect personal data about you from third parties including: previous employers (e.g. employment references); doctors and occupational health professionals (e.g. reports on your fitness to work); the Home Office (e.g. right to work verification); the tax authorities (e.g. your tax code); pension administrators (e.g. details of your pension arrangements); our insurance administrators; the Disclosure and Barring Service (eg. criminal records information); and managers, colleagues and clients (e.g. appraisals and grievance procedures).
- 3.3 To the extent permitted by law, we may indirectly hold personal data about you from BCL's building and IT control systems including door access control systems and CCTV, as well as from BCL's telephone logs, mobile phone records, email, time recording system, internet access logs and remote access system.
- 3.4 The annex attached to this Notice sets out further information about the sources of personal data we may process about you.

### **4. How we use your personal data**

- 4.1 We will only use your personal data as the law allows us to. The situations in which we will use your personal data are set out on the annex attached to this Notice. They include:

(a) Recruitment, selection and appointment

Personal data which you provide to us about yourself during our recruitment, selection and appointment processes may be used to:

- Evaluate applications for employment and make decisions regarding the selection of those who work or volunteer at BCL.
- Undertake pre-employment screening, including where relevant and appropriate, identity checks, right to work verification, reference checks and criminal record checks.
- Make job offers, providing employment contracts, offers of engagement, and preparing for you to commence working or volunteering at BCL where you accept an offer or invitation from us.
- Contact you where suitable vacancies arise.
- Provide feedback in relation to recruitment decisions.
- Undertake monitoring to ensure equality of opportunity and diversity.

(b) Ongoing management of your relationship with BCL

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Personal data which we hold about you may be used to:

- Manage and maintain HR records, files and systems.
- Provide and administer remuneration, benefits, pensions and incentive schemes operated by BCL.
- Ensure correct pay and benefits, including making necessary tax and national insurance deductions from your remuneration.
- Set and change building access and system / network permissions.
- Identify and communicate with you and others working at BCL.
- Where appropriate, to publish communications or publicity material internally and externally, including on social media.
- Manage and operate performance reviews.
- Manage grievance processes, including making related management decisions.
- Inform training, development, career planning decisions.
- Provide references.
- Administer termination / post-termination matters (e.g. liaison with legal representatives and enforcing restrictive covenants).
- Assist in contingency planning and handling active incidents.

### (c) Absence management and health & safety

Personal data provided by you, doctors or occupational health professionals may be used to:

- Create and maintain absence records.
- Determine fitness to work.
- Facilitate a return to work as appropriate.
- Make necessary adjustments or accommodations to duties or the workplace.
- Make decisions about employment / ongoing work for / presence at BCL.
- Conduct related management processes.

### (d) Compliance monitoring, security and systems use

Personal data available to BCL from its IT systems may be used to:

- Monitor and manage staff access to BCL's systems.
- Protect BCL's networks (including the personal data of BCL's clients and those working for BCL in whatever capacity) from unauthorised access or loss.
- Prevent unauthorised access and modifications to BCL's systems.
- Ensure adherence to BCL's policies.
- Maintain the security of commercially sensitive information.
- Check adherence to restrictions on activities whilst you / others are working at BCL and after you / others have left (e.g. where any restrictive covenants may apply).

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- Investigate complaints and allegations of misconduct.
- Undertake statistical analysis.
- Assist regulatory investigations, or in connection with legal proceedings or requests.

(e) Responding to legal and regulatory requests

Personal data we hold about you may be used to comply with lawful requests / demands by public authorities / law enforcement authorities.

### **5. Our legal bases for processing your personal data**

5.1 BCL will only process your personal data (including collecting, storing, using or sharing it) where we are satisfied that one or more of the following legal bases for doing so applies:

- (a) It is necessary to process the personal data to perform a contract we have entered into with you.
- (b) The processing is necessary for legitimate interests pursued by BCL or a third party, provided that your interests and fundamental rights do not override those legitimate interests.
- (c) It is necessary to process the personal data to comply with a legal obligation to which BCL is subject.
- (d) The processing is necessary to perform a task in the public interest.
- (e) In exceptional circumstances, where the processing is necessary to protect your or a third party's vital interests (i.e.. where someone is at physical risk).

5.2 Where we process 'special category personal data' (see paragraph 2.1 above), we do so in the following circumstances:

- (a) Where we need to carry out our legal obligations or exercise rights in connection with employment.
- (b) For reasons of substantial public interest (e.g. preventing or detecting unlawful acts, protecting the public from dishonesty, and support for individuals with a particular disability or medical condition).
- (b) Where it is necessary to protect vital interests you protect you or someone else from harm.

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5.3 The annex attached to this Notice describes the lawful basis which applies when we process particular types of personal data.

### **6. How we keep your personal data safe**

6.1 We limit access to your personal data to those who have a genuine business need to know it. Those using your personal data will do so only in an authorised manner and subject to a duty of confidentiality. All staff are required to undertake training to understand their obligations under the UK GDPR.

6.2 BCL has put in place appropriate security measures to prevent your personal data being accidentally lost, altered, disclosed, used or accessed in an unauthorised way. These include technical IT security measures and organisational measures, including training in and reminders about IT security to all staff.

6.3 BCL has procedures in place for the reporting and investigation of suspected breaches of data security. We will notify you and applicable regulators of breaches of data security at BCL where legally required to do so.

### **7. When we might share your personal data**

7.1 There may be occasions where we share your personal data with third parties. For example, BCL may retain third party providers such as IT services (e.g. CTS), or disclose personal data to pension providers (e.g. Aviva) and healthcare providers (e.g. Denplan, Simply Health & BUPA). Where we share your personal data in this way, the third parties receiving it must respect the security of the personal data they receive and provide the same level of security as BCL provides. Third parties are required to use your personal data for purposes specified by BCL and may not use your personal data for their own purposes.

7.2 In the event that we transfer your personal data outside the UK, we will first ensure that the organisation to which we are transferring it provides an essentially equivalent level of personal protection to the one which BCL provides.

7.3 In addition, there may be occasions when we are required by law to disclose your personal data to governmental, regulatory or law enforcement agencies (e.g. HMRC).

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### 8. How long we keep your personal data

- 8.1 We will only store your personal data for as long as reasonably necessary to fulfil the purposes for which it was collected. In some circumstances, we may hold your personal data for longer periods of time, for instance if we are required to do so in accordance with legal, regulatory, tax or accounting obligations.
- 8.2 In specific circumstances, we may store your personal data for longer periods of time so that we have accurate records. For example, we may retain it for a longer period in the event of complaints, where there is ongoing litigation relating to your personal data, or where we reasonably believe there is the prospect of such litigation.

### 9. Your rights in connection with your personal data

- 9.1 Under the UK GDPR, you have a number of rights in relation to the personal data that we hold about you which you may exercise free of charge. These rights are to:
- (a) **Request access** – you may request a copy of the personal data that we hold about you.
  - (b) **Request correction** – you may correct personal data that we hold about you which is inaccurate or incomplete.
  - (c) **Request erasure** – in certain circumstances you can ask for the personal data we hold about you to be deleted from our records if there is no good reason for us continuing to retain it. You may also ask us to delete your personal data if you have exercised your right to object to us processing it (see below).
  - (d) **Object to processing** – where we are processing your personal data based on legitimate interests (see ‘**Our legal bases for processing your personal data**’ above), unless we have an overriding justification for us continuing to process your personal data.
  - (e) **Restrict processing** – where you want us to establish the accuracy of your personal data or our reasons for processing it. Please note the right to restrict processing of your personal data is subject to certain exceptions.
  - (f) **Transfer your personal data** – you have the right to have the data we hold about you transferred to another organisation.

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### **10. Who to contact about your personal data & complaints**

10.1 If you have any questions about this Notice or the way BCL handles your personal data, or wish to exercise any of your data rights, please contact Hazel Smith (email: [hsmith@bcl.com](mailto:hsmith@bcl.com) / tel 0207 430 2277) or Julian Hayes (email: [jhayes@bcl.com](mailto:jhayes@bcl.com) / tel 0207 430 2277).

10.2 Although we would hope that we could resolve any questions or concerns that you have about the way we handle your personal data, under the UK GDPR you may lodge a complaint with the UK supervisory authority for data protection issues. The supervisory authority is the Information Commissioner ('ICO'). The ICO's website is: [www.ico.org.uk](http://www.ico.org.uk). The ICO's telephone number is: 0303 123 1113.

**BCL Solicitors LLP**

This Notice was last reviewed on 17 April 2022.



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The information we collect	How we collect the information	Why we collect the information	How we use and may share the information
<b>Your name, contact details (i.e. address, home and mobile phone numbers, email address) and emergency contacts (i.e. name, relationship and home and mobile phone numbers).<sup>i</sup></b>	From you.	To enter into/perform the employment contract.  Legitimate interest: to maintain employment records and good employment practice.	To enter into/perform the employment contract.
<b>Details of salary and benefits, bank/building society, National Insurance and tax information, your age.<sup>i</sup></b>	From you.	To perform the employment contract including payment of salary and benefits.  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice.	To ensure you receive the correct pay and benefits.  Information shared with our payroll administrators (currently in-house), HM Revenue & Customs (HMRC) and auditors.

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<p><b>Details of your spouse/partner and any dependants. <sup>i</sup></b></p>	<p>From you.</p>	<p>To perform the employment contract including employment-related benefits, e.g. private medical insurance, life assurance and pension.</p>	<p>To ensure you receive the correct pay and benefits.</p> <p>Information shared with our payroll administrators (currently in-house), HM Revenue &amp; Customs (HMRC) &amp; our life assurance providers (Canada Life).</p>
<p><b>Your nationality and immigration status and information from related documents, e.g. your passport or other identification and immigration information. <sup>i</sup></b></p>	<p>From you and, where necessary, the Home Office.</p>	<p>To enter into/perform the employment contract.</p> <p>To comply with our legal obligations.</p> <p>Legitimate interest: to maintain employment records.</p>	<p>To carry out right to work checks.</p> <p>Information may be shared with the Home Office.</p>

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The information we collect	How we collect the information	Why we collect the information	How we use and may share the information
<p><b>Details of your pension arrangements, and all information included in these and necessary to implement and administer them.<sup>1</sup></b></p>	<p>From you, from our pension administrators (Aviva) and (where necessary) from your own pension fund administrators.</p>	<p>To perform the employment contract including employment-related benefits.</p> <p>To comply with our legal obligations.</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice.</p>	<p>To administer your pension benefits and/or comply with our auto-enrolment pension obligations.</p> <p>Information shared with our pension administrators (Aviva) and with HMRC.</p>

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<p><b>Information in your sickness and absence records (including sensitive personal information regarding your physical and/or mental health).<sup>1</sup></b></p>	<p>From you, from your doctors, from medical and occupational health professionals we engage and from our insurance benefit administrators (Jelf, BUPA, Denplan &amp; SimplyHealth).</p>	<p>To perform the employment contract including employment-related benefits.</p> <p>To comply with our legal obligations.</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices.</p>	<p>To maintain employment records, to administer sick pay entitlement, to follow our policies and to facilitate employment-related health and sickness benefits.</p> <p>To comply with our legal obligations to you as your employer.</p> <p>Information shared with your doctors, with medical and occupational health professionals we engage and with our insurance benefit administrators (Jelf, Denplan, SimplyHealth &amp; BUPA)).</p> <p>For further information, see <sup>i</sup> below.</p>

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<b>Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs.</b>	From you.	To comply with our legal obligations and for reasons of substantial public interest (equality of opportunity or treatment).	To comply with our equal opportunities monitoring obligations and to follow our policies.  For further information, see <sup>ii</sup> below.
<b>Criminal records information, including the results of Disclosure and Barring Service (DBS) checks <sup>i</sup></b>	From you and the DBS.	To perform the employment contract.  To comply with our legal obligations.  For reasons of substantial public interest (preventing or detecting unlawful acts, preventing terrorist financing or money laundering and protecting the public against dishonesty).	To carry out statutory checks.  Information shared with DBS and other regulatory authorities as required.  For further information, see <sup>ii</sup> below.

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<b>The information we collect</b>	<b>How we collect the information</b>	<b>Why we collect the information</b>	<b>How we use and may share the information</b>
<b>Information on grievances raised by or involving you.</b>	From you, from other employees and from consultants we may engage in relation to the grievance procedure.	To perform the employment contract. To comply with our legal obligations.  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice.	For staff administration, to follow our policies and to deal with grievance matters.  Information shared with relevant managers, HR personnel and with consultants <sup>iii</sup> we may engage.
<b>Information on conduct issues involving you.</b>	From you, from other employees and from consultants we may engage in relation to the conduct procedure.	To comply with our legal obligations.  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices.	For staff administration and assessments, to follow our policies, to monitor staff performance and conduct and to deal with disciplinary and grievance matters.  Information shared with relevant managers, HR personnel and with consultants <sup>iii</sup> we may engage.

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<b>The information we collect</b>	<b>How we collect the information</b>	<b>Why we collect the information</b>	<b>How we use and may share the information</b>
<p><b>Details of your appraisals and performance reviews.</b></p>	<p>From you, from other employees and from consultants we may engage in relation to the appraisal/performance review process.</p>	<p>To comply with our legal obligations.  Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment practice, to ensure safe working practices.</p>	<p>For staff administration and assessments, to follow our policies, to monitor staff performance and conduct and to deal with disciplinary and grievance matters.  Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage.</p>
<p><b>Details of your performance and of any management/ improvement plans.</b></p>	<p>From you, from other employees and from consultants we may engage in relation to HR or performance issues.</p>	<p>To comply with our legal obligations.  Legitimate interests: to maintain employment and contractor records and to comply with legal, regulatory and corporate governance obligations and good employment and contractor management practice, to ensure safe working practices.</p>	<p>For staff and contractor administration and assessments, to follow our policies and to monitor staff and contractor performance.  Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage.</p>

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The information we collect	How we collect the information	Why we collect the information	How we use and may share the information
<p><b>Details of your time, attendance and activity records.</b></p>	<p>From you and from our time recording systems, application logs and door entry systems.</p>	<p>To perform contracts with employees and contractors; to perform contracts with clients; to comply with our regulatory duties towards clients and others.</p> <p>Legitimate interests: to monitor and manage staff and contractor access to our systems and facilities and to record staff and contractor absences and activities; to record and monitor time spent on client work; to invoice clients and to report to clients on activities carried out on their behalf.</p>	<p>For payroll and staff administration and assessments, to follow our policies and to monitor staff performance and attendance.</p> <p>Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage and with our payroll administrators (currently in-house).</p>



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<b>Information in applications you make for other positions within our organisation.</b>	From you.	<p>To enter into/perform contracts with employees and contractors.</p> <p>To comply with our legal obligations.</p> <p>Legitimate interests: to maintain employment and contractor records and to comply with legal, regulatory and corporate governance obligations and good employment and contractor management practice.</p>	<p>To process the application.</p> <p>Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage.</p>
<b>Information about your use of our IT, communication and other systems.</b>	Automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, remote access systems,	<p>Legitimate interests:</p> <p>to monitor and manage staff access to our systems and facilities;</p> <p>to protect our networks and personal data of employees, contractors and customers/clients and/or contacts, against unauthorised access or data leakage;</p>	<p>To protect and carry out our legitimate interests (see adjacent column).</p> <p>Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage.</p> <p>For further information see<sup>iv</sup> below.</p>

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	<p>email and instant messaging systems, intranet and Internet facilities, telephones, voicemail, mobile phone records and any other relevant systems used by the firm including data loss prevention tools, firewalls, unified threat management systems, transport layer security, eDiscovery technology or mobile device management systems.</p>	<p>to ensure our business policies, such as those concerning security and internet use, are adhered to; for operational reasons, such as maintaining employment and contractor records, recording transactions, training and quality control; to ensure that commercially sensitive information is kept confidential; to check that restrictions on your activities that apply during your employment or after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with; for investigating complaints and allegations of misconduct and/or criminal offences for statistical analysis; to prevent unauthorised access and modifications to our systems; as part of investigations by regulatory bodies, or in connection with legal proceedings or requests.</p>	

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<p><b>Details of your business-related use of social media.</b></p>	<p>From relevant websites and applications.</p>	<p>Legitimate interests:</p> <p>to monitor and manage staff access to our systems and facilities; to protect our networks, and personal data of employees, contractors and customers/clients and/or contacts, against unauthorised access or data leakage; to ensure our business policies, such as those concerning security and internet use, are adhered to; for operational reasons, such as maintaining employment and contractor records, recording transactions, training and quality control</p> <p>to ensure that commercially sensitive information is kept confidential; to check that restrictions on your activities that apply during your employment or after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with; for investigating</p>	<p>To protect and carry out our legitimate interests (see adjacent column).</p> <p>Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage.</p> <p>For further information see <sup>iv</sup> below.</p>

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		<p>complaints and allegations of misconduct and/or criminal offences</p> <p>as part of investigations by regulatory bodies, or in connection with legal proceedings or requests.</p>	
<p><b>Your personal use of social media (only in very limited circumstances, to check specific risks for specific functions within our organisation; you will be notified separately if this is to occur).</b></p>	<p>From relevant websites and applications.</p>	<p>Legitimate interests:</p> <p>to monitor and manage staff access to our systems and facilities; to protect our networks, and personal data of employees and customers/clients/contacts against unauthorised access or data leakage; to ensure our business policies, such as those concerning security and internet use, are adhered to; for operational reasons, such as maintaining employment and contractor records, recording transactions, training and quality control; to ensure that commercially sensitive information is kept confidential; to check that restrictions on your activities that apply during</p>	<p>To protect and carry out our legitimate interests (see adjacent column).</p> <p>Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage.</p> <p>For further information see <sup>iv</sup> below.</p>

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		<p>your employment or after your employment has ended (post-termination restrictions or restrictive covenants) are being complied with; for investigating complaints and allegations of misconduct and/or criminal offences; as part of investigations by regulatory bodies, or in connection with legal proceedings or requests.</p>	
<p><b>Details in references about you that we give to others.</b></p>	<p>From your personnel records, our other employees.</p>	<p>To perform contracts with employees and contractors.</p> <p>To comply with our legal obligations.</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and corporate governance obligations and good employment and contractor management practice.</p>	<p>To provide you with the relevant reference.</p> <p>To comply with legal/regulatory obligations.</p> <p>Information shared with relevant managers, HR personnel and with consultants<sup>iii</sup> we may engage and the recipient(s) of the reference.</p>

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<sup>i</sup> You are required (by law or under the terms of your contract of employment, or in order to enter into your contract of employment) to provide the categories of information marked <sup>i</sup> above to us to enable us to verify your right to work and suitability for the position, to pay you, to provide you with your contractual benefits, such as *contractual sick pay* and to administer statutory payments such as statutory sick pay (SSP). If you do not provide this information, we may not be able to employ you, to make these payments or provide these benefits.

<sup>ii</sup> Further details on how we handle sensitive personal information and information relating to criminal convictions and offences are set out in paragraph 5.2 of this Notice.

<sup>iii</sup> Consultants we engage may include internal or external consultants, auditors, advisors or solicitors.

<sup>iv</sup> Further information on the monitoring we undertake in the workplace and the purposes for which we do it are contained in paragraph 4.1(d) of this Notice. Where monitoring takes place, it is undertaken for a specific purpose and only as is necessary to achieve that purpose, access to the personal data generated from it is kept to a minimum, and we make every effort to bring the monitoring to your attention before it takes place.